

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED

2014 AUG 18 A 10: 54

U.S. BANKRUPTCY COURT
E.D. MICHIGAN - DETROIT

In re
City of Detroit, Michigan
Debtor

Chapter 9
Case No. 13-53846
Hon.: Steven W. Rhodes

Motion to Participate In The Confirmation Hearing

NOW COMES, Creditor Irma Industrious in pro per and for her Motion to Participate in the Confirmation Hearing states as follows:

1. Creditor filed her Objections to Debtor's Fourth Amended Plan for the Adjustment of Debts of the City of Detroit, and Debtor's Fifth Amended Plan for the Adjustment of Debts of the City of Detroit.
2. Creditor properly argued in her Objections that that the Debtor's Annuity Savings Recoupment or clawback provision has no basis in law, and that the recoupment is barred in that it seeks to go beyond the 90 days allowed by the United States Bankruptcy Code, in particular 11 USC Section 547.
3. Creditor's interest is not represented by the attorneys, groups or individuals that will be participating at the Confirmation Hearing.
4. Creditor submits that due process requires that Creditor be allowed to participate in the Confirmation Hearing.
5. Pursuant to this Court's Order dated August 7, 2014, Creditor hereby files her Exhibit List attached hereto as Exhibit A.
6. Pursuant to this Court's Order, Creditor also hereby files her Witness List attached hereto as Exhibit B. Creditor's Witness List includes the names of witnesses sought to be




presented or questioned, the subject matter of the proposed testimony and the expected duration of the testimony.

7. Creditor submits that she cannot provide an explanation as to why her proposed evidence is not duplicative of other evidence because Creditor was not served by any other creditor or by any other party regarding the evidence they intend to present at the Confirmation Hearing. Creditor argues that without knowledge of the evidence that the other parties intend to present, Creditor cannot make a determination that there is no duplication of evidence.
8. Creditor further argues that even if her proposed evidence is determined to be duplicative, Creditor and any other creditor are still entitled to participate in the Confirmation Hearing because this Court must not deny a creditor the opportunity to be heard or impair such creditor's due process rights.
9. Creditor also argues that this Court's Order of August 7, 2014 violates Creditor's due process rights, and the order has failed to provide proper notice to Creditor and it also discriminates against all creditors not represented by counsel. Creditor's Exhibit List and Witness List are being filed with this Court without Creditor waiving her objection to this Court's Order of August 7, 2014.

WHEREFORE, based on the foregoing, this Creditor respectfully prays that this Honorable Court grant Creditor's Motion to Participate in the Confirmation Hearing.

Respectfully submitted,



Irma Industrious
In Pro Per, Creditor
3051 Lindenwood Drive,
Dearborn, MI 48120
(313) 460-4731

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BRIEF IN SUPPORT

Due process consists of fair notice and a fair hearing before a competent tribunal.

This Creditor submits that a fair hearing is a hearing that one is allowed to fully participate in. Conversely, the Creditor submits that if one is not allowed to participate, the hearing must be deemed unfair.

This Creditor submits that her due process rights will be violated if she is not allowed to participate in the Confirmation Hearing.

Moreover, the Debtor's Annuity Savings Recoupment or clawback provision has no basis in law, and the recoupment is barred in that it seeks to go beyond the 90 days allowed by the United States Bankruptcy Code, in particular 11 USC Section 547.

WHEREFORE, based on the foregoing, this Creditor respectfully prays that this Honorable Court grant Creditor's Motion to Participate in the Confirmation Hearing.

Respectfully submitted,



Irma Industrious

In Pro Per

Creditor

3051 Lindenwood Drive,

Dearborn, MI 48120

(313) 460-4731

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EXHIBIT LIST

Creditor Irma Industrious in pro per hereby files the Exhibit List as follows:

1. Debtor City of Detroit Petition for Chapter 9 Bankruptcy.
2. Creditor's Voting Ballot and the material supplied with the ballot on Debtor's Fourth Amended Plan for the Adjustment of Debts of the City of Detroit, that was mailed to Creditor Irma Industrious.
3. Debtor's Fourth Amended Plan for the Adjustment of Debts of the City of Detroit.
4. Debtor's Fifth Amended Plan for the Adjustment of Debts of the City of Detroit.
5. All Plans of Adjustment submitted by Debtor.
6. Any other evidence presented by any other party in relation to the Confirmation Hearing.

Respectfully submitted,



Irma Industrious
In Pro Per
Creditor
3051 Lindenwood Drive,
Dearborn, MI 48120
(313) 460-4731

Exhibit A

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re
City of Detroit, Michigan
Debtor

Chapter 9
Case No. 13-53846
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WITNESS LIST

Creditor Irma Industrious in pro per hereby files the Witness List as follows:

1. Keeper of the Record of the City of Detroit General Retirement System Pension Board .
The testimony will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.
2. Any representative of the City of Detroit General Retirement System Pension Board.
The testimony will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.
3. Kathleen Leavey. The testimony will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.
4. Thomas Sheehan. The testimony will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.
5. Kevyn Orr. The testimony will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.

Exhibit B

6. Irma Industrious. The testimony will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.
7. Dennis Taubitz. The testimony will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.
8. Any witness listed by the Debtor. The testimony will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.
9. Any witness listed by any other creditor. The testimony will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.
10. Any necessary rebuttal witness or witness listed by any other party. The testimony will concern the validity of Debtor's annuity savings recoupment and the confirmability of the Plan of Adjustment.

The estimated duration of testimony is one (1) day to one (1) week per witness.

Respectfully submitted,



Irma Industrious
In Pro Per
Creditor
3051 Lindenwood Drive,
Dearborn, MI 48120
(313) 460-4731

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
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In re
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**ORDER GRANTING CREDITOR'S MOTION TO PARTICIPATE
IN THE CONFIRMATION HEARING**

It is ORDERED AND ADJUDGED, that Creditor Irma Industrious' Motion to Participate in the Confirmation Hearing is hereby **GRANTED**.

It is FURTHER ORDERED AND ADJUDGED, that Creditor Irma Industrious shall be provided with written notice sent by U.S. mail of any pleadings, briefs, exhibits or other documents related to the Confirmation Hearing.

BANKRUPTCY JUDGE
Steven W. Rhodes

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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J.S. BANKRUPTCY COURT
E.D. MICHIGAN - DETROIT

In re
City of Detroit,
Debtor

Chapter 9
Case No. 13-53846
Hon.: Steven W. Rhodes

NOTICE OF MOTION TO PARTICIPATE IN THE CONFIRMATION HEARING

Creditor Irma Industrious has filed papers with the court a Motion to Participate in the Confirmation Hearing.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion to Participate in the Confirmation Hearing, or if you want the court to consider your views on the Motion to Participate in the Confirmation Hearing, then within 14 days you or your attorney must:

File with the court a written request for a hearing {or if the court requires a written response, an answer explaining your position} at:

Attn: Bankruptcy Court Clerk
United States Bankruptcy Court
Eastern District of Michigan
211 West Fort Street
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Irma Industrious
3051 Lindenwood Drive
Dearborn, MI 48120

Heather Lennox
Bruce Bennett
Jones Day
555 South Flower Street – Fiftieth Floor
Los Angeles, CA 90071

Sam J. Alberts
Dentons US LLP
1301 K Street NW
Suite 600 East Tower
Washington DC 20005

Attend the hearing scheduled to be held on the date and time and Courtroom set by this court, United States Bankruptcy Court, Eastern District of Michigan, 211 West Fort Street, Detroit, MI 48226.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: August 18, 2014

Signature: 

Name: Irma Industrious

Address: 3051 Lindenwood Drive, Dearborn, MI 48120

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IN RE: City of Detroit

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CASE NO: 13-53846-DTW DETROIT

CHAPTER: 9

JUDGE: Steven W. Rhodes

Debtor.

PROOF OF SERVICE

I hereby certify that on August 18, 2014 (date of mailing), I served

copies as follows:

1. Document(s) served:

- ① Notice of Motion to Participate in Confirmation Hearing
- ② Motion to Participate in Confirmation Hearing
- ③ Proposed Order
- ④ Proof of Service

2. Served upon [name and address of each person served]:

Heather Lennox
Bruce Bennett
Jones Day
555 South Flower Street - Fiftieth floor
Los Angeles, CA 90071

Sam J. Alberts
Dentons US LLP
1301 K Street NW
Suite 600 East Tower
Washington DC 20005

3. By First Class Mail.

Dated: August 18, 2014

Irma Indestrous
(Signature of Debtor) Creditor

Print Name: Irma Indestrous

(Signature of Co-Debtor)

Print Name: _____